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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/718,747 | 11/21/2003 | Benny Souder | 50277-2343 | 1778 |

42425 7590 09/07/2007

HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1089

| EXAMINER | |
|---|---|
| FLEURANTIN, JEAN B | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2162 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 09/07/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Advisory Action Before the Filing of an Appeal Brief | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/718,747 | SOUDER ET AL. | |
| | Examiner | Art Unit | |
| | JEAN B. FLEURANTIN | 2162 | |

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 30 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *none*.
   Claim(s) objected to: *none*.
   Claim(s) rejected: *1-44*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Jean Bolte Fleurantin
Patent Examiner
Technology Center 2100

Continuation of 11.
Applicant's argument, page 10, last para, that "The limitation allegedly absent is in fact present and required by claim 1. Specifically, applicant argued that "Claim 1 recites a database server that imports a tablespace into a local database managed by the database server." In response to the arguments, it is noted that Bridge discloses the database system gets a specification of the tablespace to be transferred, called the pluggable set, receives the name of an export/import; see col. 9, lines 35-50 and col. 10, lines 6-20.
On page 11, last para, applicant argued that "The Office Action is correct in that Bridge does teach transferring a tablespace from a source database to a target database." The Office action, page 5, last para, clearly stated that "Bridge fails to explicitly disclose said database server provisions a synchronization mechanism that applies changes made to the tablespace to the copy. However, Wang discloses said database server provisions a synchronization mechanism that applies changes made to the tablespace to the copy (see Wang col. 14, line 59 to col. 15, line10).
Further, the examiner's conclusion of obviousness, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).
Applicant's argument, page 17, last para, that "Based on the foregoing, Wang and Bridge, alone or in combination, fail to teach features of claim 7, and therefore fail to teach all the features of claim 7". In response, the examiner recognizes that the obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bridge discloses "a method for automatically provisioning data in a distributed database system" (i.e., automatically importing (transporting) to target database; see col. 14, lines 2-26), as per independent claims and prior art citations are as follow: "a database server causing a tablespace to be transported from a first file system to a second file system" (i.e., transferring tablespace between two databases; see col. 9, lines 41-50); and
"after transporting said tablespace to said second file system, said database server importing said tablespace into a local database managed by said database server" (i.e., transferring tablespace from source database to target database; see col. 9, lines 44-50 and Fig. 12a).
Furthermore, Bridge discloses a set of tablespaces forming a partition of and containing the set of datafiles; see col. 3, lines 43-45. Wherein, tablespace-relative disk pointers also facilitate the transfer of a group of datafiles within a tablespace without having to patch the disk pointers; see col. 7, lines 26-29. Bridge also discloses transferring data between two databases has two phases, a user a set of tablespaces, containing the desired data, from a source database. The database system gets a specification of the tablespaces to be transferred, received the name of an export or import file from the user; see col. 9, lines 35-46. Finally, Wang discloses a database from a logical design across several nodes of a distributed processor system; col. 1, 10-12. Wang also discloses a tablespace, which indicates datafiles associated with that tablespace are evenly spread across all nodes; see col. 8, lines 39-42.
Therefore, the combination of Bridge and Wand discloses the claimed invention. As stated in the final Office action and MPEP 2111, the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).
For the above reasons, it is believed that the final Office Action was proper.